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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3869 OF 2007

Pradeep H. Khade .. Applicant

V/s

State of Maharashtra .. Respondent

Mr.Shirish Gupte with Mr.R.K. Mendadkar for the applicant.

Mr.U.V. Nikam, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 19TH DECEMBER 2007

P.C. :

1. Heard learned counsel for the applicant and the learned A.P.P. for the State.

2. The applicant has been arrested on 1st November 2007 in connection with a crime registered under C.R. No.128/2007 at Thane Nagar Police Station for the alleged offences punishable under sections 465, 467, 468, 469, 471, 420, 199, 200 and 193(7) of the I.P.C.

3. The applicant claims that he belongs to "Kunbi"

caste which is recognised as "other backward class" in the State of Maharashtra. Having obtained a caste certificate from the Sub-Divisionl Officer, he made an application to the Caste Scrutiny Committee for obtaining a caste validity certificate. The Caste Scrutiny Committee came to the conclusion that some of the materials produced by the applicant were false and the applicant did not belong to the "Kunbi" caste. The material produced by the person who was opposing the caste claim of the applicant, showed that the applicant belongs to "Maratha" caste. After coming to the conclusion that the materials produced by the applicant before the Scrutiny committee were false, the Scrutiny Committee directed that a complaint be filed against the applicant. The applicant has challenged the order of the Caste Scrutiny Committee by filing Writ Petition No.5002 of 2007 in this Court. By order dated 23rd July 2007, a Division Bench of this court had issued "Rule" in the said writ petition.

4. Crime has been registered against the applicant on complaint filed in pursuance of the order of the Caste Scrutiny Committee and the applicant has been arrested. Learned counsel for the applicant submits that the applicant has a permanent place of residence at Thane at the address mentioned in the title of the application. The applicant claims to be a social worker

of some repute. There is no possibility of the applicant abusing bail by absconding or not being available at the trial.

5. Learned A.P.P . for the State, on instructions of the I.O. submitted that the prosecution does not dispute that the applicant has a permanent residence at Thane nor does it dispute that the applicant is not likely to abscond in the event the bail is granted.

6. Taking into consideration all the circumstances and also taking into consideration the fact that the offence is not punishable with death or imprisonment for life and also the fact that the Rule has been issued by the Division Bench of this Court in the writ petition directed against the order of the Caste Scrutiny Committee and the matter is yet to be decided by this Court, in my view, the applicant is entitled to bail. Hence, I pass the following order:

ORDER

The applicant be released on bail on personal bond of Rs.50,000/- with two sureties of the like amount subject to the condition that the applicant shall not tamper with the prosecution evidence and any of the records.

(D.G. KARNIK, J.)